

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

TECHNOLOGY FUNDING GROUP,
L.L.C., a Delaware Limited Liability Co.

Plaintiff,

vs.

THE FIRST WESTERN BANK
OF STURGIS,
South Dakota Corporation,

Defendants.

CIV. 07-5081-AWB

)
)
)
) **PLAINTIFF'S MOTION FOR**
) **PARTIAL SUMMARY**
) **JUDGMENT ON FRAUDULENT**
) **MISREPRESENTATION CLAIM, ON**
) **TORTIOUS INTERFERENCE WITH**
) **BUSINESS RELATIONS OR**
) **EXPECTANCY CLAIM, AND ON**
) **THE NEGLIGENT**
) **MISREPRESENTATION CLAIM**

Pursuant to Fed. R. Civ. P. 56, Plaintiff, Technology Funding Group, L.L.C. ("TFG"), moves the Court for a partial summary judgment on the fraudulent misrepresentation claim, a partial summary judgment on the tortious interference with business relations or expectancy claim, and for a partial summary judgment on the negligent misrepresentation claim. TFG supports its motion with a statement of undisputed material facts, a brief and the record.

Dated this _____ day of October, 2009.

/ s / Michael K. Sabers

Michael K. Sabers
Clayborne, Loos, Strommen & Sabers, LLC
2834 Jackson Blvd, Suite 201
Rapid City, SD 57702
(605) 721-1517

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he served a true and correct copy of **Plaintiff's Motion for Partial Summary Judgment on the Fraudulent Misrepresentation Claim, a Partial Summary Judgment on the Tortious Interference with Business Relations or Expectancy Claim, and for a Partial Summary Judgment on the Negligent Misrepresentation Claim** upon the person(s) next designated below:

Terry Hofer
First Western Gateway
333 West Blvd, Suite 400
PO Box 2670
Rapid City, SD 57709

Dated this ____ day of October, 2009.

/s/ Michael K. Sabers
Michael K. Sabers